

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ANILDA RODRIGUES and SARAH
TALBOTT, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

BOSTON COLLEGE,

Defendant.

Civil Action No. 1:20-cv-11662-RWZ

DEFENDANT'S MOTION TO DISMISS THE AMENDED COMPLAINT

Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(1) and Rule 7.1(b) of the Local Rules of the United States District Court for the District of Massachusetts, Defendant Boston College,¹ by and through its undersigned attorneys, hereby moves this Court for an Order dismissing Plaintiffs' Amended Complaint (ECF No. 23) in its entirety, with prejudice. The grounds for this motion are set forth in the accompanying Memorandum of Law, Declaration of Anton Metlitsky, and attached exhibits, as well as the Declaration of Christopher Cordella in Support of Defendant's Motion to Dismiss the Original Complaint (ECF No. 21).

REQUEST FOR ORAL ARGUMENT

Pursuant to Rule 7.1(d) of the Local Rules of the United States District Court for the District of Massachusetts, Defendant hereby requests oral argument in connection with this Motion on the ground that such argument may assist the Court in connection with the issues presented herein.

RULE 7.1(A)(2) CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), undersigned counsel for Defendant certifies that Defendant's counsel has conferred in good faith with counsel for Plaintiffs in an effort to resolve or narrow the issues presented in this Motion.

WHEREFORE, Defendant respectfully requests that this Court issue an Order dismissing the Amended Complaint with prejudice.

¹ The Trustees of Boston College is the legal entity comprising Boston College, and is the proper party to this litigation.

Dated: February 1, 2021

Respectfully submitted,

/s/ Anton Metlitsky

Anton Metlitsky (*pro hac vice*)
ametlitsky@omm.com
O'MELVENY & MYERS LLP
7 Times Square
New York, NY 10036
Telephone: (212) 326-2000
Facsimile: (212) 326-2061

Jen Cardelús (BBO #176998)
jcardelus@omm.com
O'Melveny & Myers LLP
400 South Hope Street
Los Angeles, CA 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6407

*Attorneys for Defendant
Trustees of Boston College*

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 1, 2021.

/s/ Anton Metlitsky

Anton Metlitsky (*pro hac vice*)